



# State of Utah

DEPARTMENT OF COMMERCE  
Committee of Consumer Services

Minutes of the Meeting of the Committee of Consumer Services held  
in the Heber M Wells Building, Salt Lake City, on 7 December 2004.

Dee Jay Hammon called the meeting to order at 9:31am in Room 427, Heber M Wells Building.

## Members of the Committee in Attendance:

Franz Amussen  
Kelly Casaday

Ryan Atkinson  
Dee Jay Hammon

Kent Bateman  
Betsy Wolf

## Staff in Attendance:

Roger Ball  
Cheryl Murray  
Eric Orton (participated by phone)

Kelly Francone  
Paul Proctor

Dan Gimble  
Reed Warnick

## Members of the Public in Attendance:

Dan Peterson  
Bryce Wallace

Keven Hoopiiaina  
David Preece

Damon Hammer  
Bill Martin

## 1. Administrative Matters

### 1.1. Welcome and Apologies for Absence

Dee Jay Hammon welcomed all those present.

### 1.2 Dates and Locations of Next Meetings

Tuesdays, 11 January and 15 March 2005 were scheduled for the next meetings of the Committee, at 9:30am to 2:30pm, in Room 4A of the Heber M Wells Building.

## 2 Electric

### 2.1 PacifiCorp's Customer Guarantees

Keven Hoopiiaina of PacifiCorp provided an overview of the Company's proposed modifications to its customer guarantee program and performance standards. The existing five-year program will expire on 31 March 2005.

### 2.2 PacifiCorp's Fiscal Year 2006 Test Year Rate Case

Dan Gimble said that Committee witnesses had filed revenue requirement testimony in the fiscal year 2006 Test Year Rate Case. The Committee's analysis determined that PacifiCorp was over earning in Utah by \$150M. A Return on Equity (ROE) of 10% was recommended. The Division testimony indicated they were unable to make an overall recommendation as they were waiting for further information from the Company and would file supplemental testimony subsequent to receipt of that information. Rebuttal testimony is due 14 January 2005.

### 2.3 Lake Side Power Project

Cheryl Murray said that the Commission had issued an Order approving the Lake Side Power Project on 12 November 2004.

### 2.4 Weatherization

Cheryl reported that the Commission on 17 November 2004 had approved the low-income weatherization DSM program. The Program is not expected to result in an increase in the amount currently being collected through the DSM Tariff Rider.

Governor-elect Huntsman's transition team members, Bill Martin and David Preece, were introduced. Dee Jay Hammon explained the role of the Committee and Committee members provided comments. At 12:20 p.m. a short break was taken as Mr. Martin and Mr. Preece took their leave. The meeting re-convened at 12:25 p.m.

## 3 Telecom

### 3.1 Pricing Flexibility

Oliwia Smith gave an update on Qwest pricing flexibility. She said the Committee had met with Comcast in an effort to determine its service area. The Committee had filed a memo with the Commission regarding the service area issue. The Commission suspended its previous order and issued a procedural schedule to determine Comcast's service area.

Paul Proctor reported that the Supreme Court Pricing Flexibility Docket had been placed on hold.

### 3.2 Uintah Basin Telecom Association (UBTA)-UBET Merger

Oliwia Smith discussed the details of the UBTA-UBET merger.

### 3.3 Land Development Agreement Tariff

Oliwia said that Qwest and the land developers had filed testimony. Rebuttal testimony is due 21 January 2005.

### 3.4 Federal Communications Commission (FCC) Unbundling Proceeding

Oliwia reported that on 19 October the Committee had filed rebuttal testimony rejecting the incumbent's claim that Competitive Local Exchange

Carrier (CLEC) would not be impaired by the FCC unbundling proposal. An FCC Order is expected in December.

4 Gas

4.1 Gas Quality Investigation

Reed Warnick reported that parties had been meeting in the Commission ordered technical conferences to discuss natural gas quality. No findings have been reached. Meetings have been suspended until January 2005.

5 Legislative Matters

5.1 Open Bidding

Kelly Francone said that the Committee had provided comments and made recommendations regarding the Open Bidding legislative proposal. Some of the Committee's recommendations were adopted.

5.2 Qwest's Bill

Paul Proctor reported that Qwest had proposed legislation to deregulate telecom in Utah and other states. The Committee will provide comments.

6 Closed Meeting – To Discuss Pending or Reasonably Imminent Litigation

Franz Amussen proposed that the Committee go into executive session to discuss pending or reasonably imminent litigation. Ryan Atkinson seconded the motion and it passed unanimously.

Kelly Cassaday proposed that the Committee return to open session. Franz Amussen seconded the proposal, which passed unanimously.

7 Motions on Matters Discussed in Closed Meeting

The Committee took no action on matters discussed in closed meeting.

8 The Committee: Its Function and its Future

There was no discussion on this topic.

9 Other Business

Roger Ball handed out a document with a list of new legislators.

Kelly Casaday proposed that the meeting adjourn; the meeting ended at 2:05 p.m.